

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended): A drug eluting brachytherapy device, comprising:
 - (a) an insertion member having a proximal portion, a distal portion, and at least one lumen extending therethrough;
 - (b) an expandable surface member mated to the distal portion of the insertion member and defining a spatial volume therein, wherein said spatial volume is configured to receive a radiation source therein to enable a three-dimensional isodose profile that is substantially similar in shape to said expandable surface member; and
 - (c) a plurality of treatment [[agent]] releasably mated with an outer surface of the expandable surface member; wherein at least a portion of each of the treatment [[agent]] agents is delivered to adjacent tissue when the brachytherapy device is positioned within a tissue cavity, and wherein a first treatment agent begins delivery before a second treatment agent.
2. (original): The device of claim 1, wherein the expandable surface member is a fluid retaining expandable surface member.
3. (currently amended): The device of claim 1, wherein [[the]] at least one treatment agent is nonradioactive.
4. – 6. (canceled)
7. (currently amended): The device of claim 1, wherein the treatment [[agent is]] agents are coated on the outer surface of the expandable surface member.

8. (cancelled):
9. (currently amended): The device of claim [[8]] 7, wherein different treatment agents are disposed in different layers.
10. (currently amended): The device of claim 1, wherein [[the]] at least one treatment agent is dispersed within a sidewall of the expandable surface member.
11. (currently amended): The device of claim 1, wherein [[the]] at least one treatment agent is disposed on only a portion of the surface of the expandable surface member.
12. (currently amended): The device of claim 11, wherein the at least one treatment agent is disposed on less than about half the surface of the expandable surface member.
13. (original): The device of claim 1, wherein the expandable surface member includes a first surface adapted for positioning against a tissue surface.
14. (currently amended): The device of claim 13, wherein [[the]] at least one treatment agent is disposed only on the first surface.
15. (currently amended): The device of claim 1, wherein [[the]] each treatment agent is selected from the group consisting of, a chemotherapy drug, an anti-neoplastic agent, an anti-angiogenesis agent, an immunomodulator, a hormonal agent, an immunotherapeutic agent, a pain reliever, an antibiotic or combinations thereof.
16. (currently amended): The device of claim 1, wherein [[the]] at least one of the treatment [[agent]] agents is mixed with a binding agent.

17. (original): The device of claim 16, wherein the binding agent is a bioresorbable polymeric binding agent.

18. (currently amended): A drug eluting tissue positioning device for positioning target tissue surrounding a resected tissue cavity so that the target tissue can receive a measured radiation dose, comprising:

a catheter body member having a proximal portion and a distal portion;

an expandable surface member, the expandable surface member defining a spatial volume therein, wherein said spatial volume is configured to receive a radiation source therein; and

a plurality of treatment [[agent]] agents releasably mated with an outer surface of the expandable surface member; wherein at least a portion of [[the]] each treatment agent is delivered to tissue surrounding the resected tissue cavity when the device is positioned within the resected tissue cavity, and wherein a first treatment agent begins delivery to the tissue before a second treatment agent begins delivery.

19. (original): The device of claim 18, wherein the expandable surface member is constructed of a material permeable to a treatment agent.

20. (currently amended): The device of claim 19, wherein a ~~second~~ third treatment agent capable of permeating through the walls of the expandable surface member is disposed within the expandable surface member.

21. (currently amended): The device of claim 20, wherein a fluid delivery path for the delivery of a ~~second~~ the third treatment agent extends through the catheter body member into the spatial volume within the expandable surface member, and out through the permeable expandable surface member.

22. (currently amended): The device of claim 18, wherein the expandable surface member includes permeable and nonpermeable portions, and the treatment agents are ~~agent is~~ mated with only the nonpermeable portions.

23. (currently amended): The device of claim 18, wherein ~~[[the]]~~ each treatment agent is selected from the group consisting of, a chemotherapy drug, an anti-neoplastic agent, an anti-angiogenesis agent, an immunomodulator, a hormonal agent, an immunotherapeutic agent, an antibiotic or combinations thereof.

24. (original): The device of claim 18, wherein a radiation source is disposed within the expandable surface member.

25. (original): The device of claim 18, wherein an external radiation source is disposed outside of the expandable surface member.

26. (previously presented): A method of delivering a treatment material, comprising:
providing a drug eluting brachytherapy device having a catheter body member with a proximal portion and a distal portion, an expandable surface member defining a spatial volume, and a plurality treatment ~~[[agent]]~~ agents releasably mated with an outer surface of the expandable surface member;
positioning the brachytherapy device within a tissue cavity; and
delivering the treatment ~~[[agent]]~~ agents to tissue surrounding the tissue cavity,
wherein a first treatment agent begins releasing before a second treatment agent begins releasing.

27. (original): The method of claim 26, wherein the tissue cavity is a resected tissue cavity created during a lumpectomy procedure.

28. (currently amended): The method of claim 26, wherein ~~[[the]]~~ at least one treatment agent is a chemotherapy drug.

29. (canceled)

30. (currently amended): The method of claim 26, wherein the plurality of treatment agents are layered on the outer surface of the expandable surface member and the more than one treatment agent is disposed on the expandable surface member and wherein a first treatment agent is disposed in an outer layer begins releasing before a and the second treatment agent is disposed in an inner layer begins releasing.

31. (original): The method of claim 26, wherein the tissue cavity is a naturally occurring cavity.

32. (original): The method of claim 31, wherein the cavity is selected from the group consisting of the bladder, the esophagus, the gut, the urethra, and the ureters.

33. (original): The method of claim 26, wherein the tissue cavity is mechanically formed.